

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

GREATLAND RESIDENTIAL, INC.

VS.

**HAMILTON SPECIALTY
INSURANCE COMPANY**

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**C.A. NO. 4:19-CV-4703
JURY**

**DEFENDANT BLACKBOARD SPECIALTY INSURANCE COMPANY F/K/A
HAMILTON SPECIALTY INSURANCE COMPANY'S NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. § 1441, Defendant Blackboard Specialty Insurance Company f/k/a Hamilton Specialty Insurance Company ("Blackboard") files its Notice of Removal because this Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332.

I. Procedural Background.

1. Plaintiff Greatland Residential, Inc. filed the lawsuit numbered 2019-79686 and styled *Greatland Residential, Inc. vs. Hamilton Specialty Insurance Company*, in the 113th Judicial District Court of Harris County, Texas (the "State Court Proceeding").

2. Blackboard files this Notice of Removal pursuant to 28 U.S.C. § 1446 to remove the State Proceeding from the 113th Judicial District Court of Harris County, Texas to the United States District Court for the Southern District of Texas, Houston Division.

3. Greatland Residential initiated the State Court Proceeding by filing its Original Petition on November 1, 2019, complaining of Blackboard.

4. Greatland Residential served Blackboard's registered agent via certified mail on November 6, 2019. Pursuant to 28 U.S.C. § 1446(b), Blackboard files this Notice of

Removal within thirty days of receiving service of the summons and a copy of the initial pleading setting forth Greatland Residential's claim for relief.

5. This is an insurance case arising out of Hurricane Harvey. Greatland Residential contends Blackboard breached the insurance policy contract by failing to pay for damages allegedly covered by the property policy issued by Blackboard. Greatland alleges Blackboard violated the Texas Insurance Code and the Deceptive Trade Practices Act (the "DTPA"). Greatland contends Blackboard breached the duty of good faith and fair dealing. Blackboard denies liability to Greatland Residential.

II. Complete Diversity Exists between Greatland Residential and Blackboard.

6. Complete diversity of citizenship exists between the parties. Greatland Residential is a corporation organized and existing under the laws of the State of Texas. Greatland's principal place of office is in Houston, Harris County, Texas. Thus, Greatland Residential is a citizen of Texas for purposes of this Court's diversity jurisdiction.

7. Blackboard is a corporation organized and existing under the laws of the State of Delaware. Blackboard's principal place of business is in New York. Consequently, Blackboard is considered a citizen of New York and Delaware for diversity purposes. 28 U.S.C. § 1332(c)(1). Thus, complete diversity exists between Greatland Residential and Blackboard.

8. Removal is proper because there is and was complete diversity of citizenship between Greatland Residential and Blackboard both when Greatland Residential filed the State Court Proceeding and when Blackboard filed this Notice of Removal.

III. The Amount in Controversy Exceeds \$75,000.

9. It is facially apparent that an amount in excess of \$75,000 (exclusive of interest and costs) is in dispute. Greatland alleges that “actual damages to the Property under the Policy are \$192,353.97.” *Id.* at ¶ 54. Greatland seeks exemplary damages. *Id.* at ¶ 60. Along with its alleged actual damages, Greatland seeks to recover its attorney’s fees. *Id.* at ¶ 61. Greatland Residential pleads that it “seeks only monetary relief of no less than \$1,000,000.00.” *Id.* at ¶ 62. Thus, the \$75,000 amount in controversy component of diversity jurisdiction has been satisfied. 28 U.S.C. § 1332(a); 28 U.S.C. § 1446(c)(2).

IV. Venue.

10. Venue is proper in the Houston Division of the Southern District of Texas under 28 U.S.C. § 1441(a) because this district and division embrace the place in which the State Proceeding was pending before removal.

V. Matters Filed.

11. In accordance with 28 U.S.C. § 1441(a), copies of all process, pleadings, and orders served upon Blackboard in the State Court Proceeding are attached to this Notice of Removal. *See* Index of Matters Filed.

12. Pursuant to 28 U.S.C. § 1446(d), Blackboard will promptly give written notice of the filing of this Notice of Removal to all parties and to the clerk of the 113th Judicial District Court of Harris County, Texas.

VI. Prayer.

13. Blackboard respectfully requests that the State Proceeding be removed and placed on the Court’s docket for further proceedings. Blackboard requests any additional

relief to which it may be justly entitled.

Respectfully submitted,

LANZA LAW FIRM, P.C.

/s/ Nicholas J. Lanza with permission SKS

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**ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of this document was sent as described below on December 3, 2019:

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Via ECF & CMRRR

/s/ Stewart K. Schmella

**NICHOLAS J. LANZA/
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